

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 1:17-CV-12462- WGY

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ANNA V. KASHPER, Individually and as  
Mother and Next Friend of Three Minors and  
as Personal Representative of the Estate of  
KONSTANTIN M. KASHPER,

Plaintiffs,

v.

TOYOTA MOTOR SALES, U.S.A., INC.  
TOYOTA MOTOR CORPORATION,  
ENTERPRISE FM TRUST  
ENTERPRISE FLEET MANAGEMENT,  
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,

Defendants.

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**DEFENDANT'S ENTERPRISE FM TRUST AND ENTERPRISE FLEET  
MANAGEMENT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant's Enterprise FM Trust and Enterprise Fleet Management ("Enterprise") respectfully requests the Court grant summary judgement in its favor as to claims against Enterprise within plaintiff's Complaint.

In this wrongful death action, plaintiff has failed to offer any evidence of an agency relationship between Enterprise and the driver of the vehicle, Konstantin. Kashper, and has offered no evidence of direct negligence on the part of Enterprise. Additionally, as Enterprise is a leasing company, they are precluded from liability pursuant to the Graves Amendment.

In further support of the same, the defendants Enterprise refer to the attached Memorandum of Law.

The Defendants,  
Enterprise FM Trust and  
Enterprise Fleet Management,

By Their Attorneys,

/s/ Kate A. Messinger

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**CERTIFICATE OF SERVICE**

On August 13, 2018, I, Kate A. Messinger, filed electronically and served by mail on anyone unable to accept electronic filing the foregoing document. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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/s/ Kate A. Messinger

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